

R-09-190

RESOLUTION NO. _____

A RESOLUTION REQUESTING THE TRANSFER OF REAL PROPERTY AND STRUCTURES LOCATED AT 1120 W. SHORT 17TH STREET IN THE CITY OF NORTH LITTLE ROCK FROM THE COMMISSIONER OF STATE LANDS TO THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES.

WHEREAS, on or about February 23, 2009, the City Council of North Little Rock lawfully determined that the buildings and structures located at the address commonly known as 1120 W. Short 17th Street were vacant, run down, dilapidated, unsightly, dangerous, obnoxious, unsafe, not fit for human habitation and detrimental to the public welfare of North Little Rock citizens and residents; and declared the same to be a public nuisance through the approval of Resolution No. 7401; and

WHEREAS, the buildings, structures and real property located at 1120 W. Short 17th Street were certified to the State of Arkansas for non-payment of ad valorem real estate taxes and said property was offered for sale at an auction legally held on July 14, 2009, but was not sold; and

WHEREAS, in addition to failing to pay ad valorem real estate taxes owed, the owner of record of the herein-described property has failed and refused to remedy the nuisance conditions lawfully declared to exist under Resolution No. 7401; and

WHEREAS, the City of North Little Rock is authorized to abate said nuisance by removing the vacant and unsafe structures thereon and causing other improvements as required, and to recover the costs for abatement in the manner provided by law; and

WHEREAS, the cost of abatement would greatly exceed the value of the property; and

WHEREAS, pursuant to Ark. Code Ann. § 26-37-202(b), the Arkansas Commissioner of State Lands is authorized to negotiate the transfer of tax-delinquent land on behalf of the State of Arkansas after it has been certified for collection; and

WHEREAS, a mortgage-holder presently holds a significant security interest in the subject property; and

WHEREAS, the City Attorney's Office has engaged in informal discussions with the Arkansas State Land Commissioner and the mortgage-holder of the subject property concerning a no-cost transfer of the subject property to the City of North Little Rock for community and recreational activities *contingent upon* the availability of appropriate grant funding to repair said structure for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the owner of record of the following described property (condemned by the City Council on February 23, 2009 pursuant to Resolution No. 7401) has failed to abate the public nuisance declared in said resolution:

Lots 1, 2, 3, 4 and the North ½ of Lot 5, Block 8, Maloney's Addition (Parcel No. 33N2530006000) to the City of North Little Rock, Pulaski County, Arkansas. (Located at 1120 W. Short 17th Street and owned by Economy Heat & Air of Arkansas, Inc.)

SECTION 2: That the owner of record of the aforementioned structures has failed to pay the ad valorem real estate taxes owed, and as a result, the property has been transferred to the Arkansas Commissioner of Lands for collections.

SECTION 3: That the City of North Little Rock ("the City") desires to explore the abatement of the public nuisance declared in Resolution No. 7401 by pursuing grant funds to repair said structure for public use.

SECTION 4: That the City of North Little Rock requests the Arkansas Commissioner of Lands, on behalf of the State of Arkansas, to transfer the title of the tax-delinquent property identified in Section 1 of this Resolution to the City of North Little Rock in order to pursue grant funds to repair said structure for public use such as a community or recreation facility. The transfer described herein shall be contingent upon release by the mortgage-holder and receipt of sufficient funds to abate the nuisances described in Resolution No. 7401 and cause the property to be suitable for public purposes.

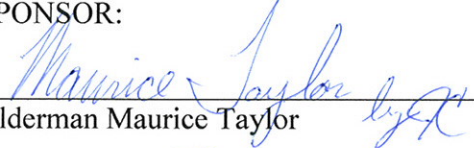
SECTION 5: That the provisions of this Resolution are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and approval.


PASSED:

APPROVED:

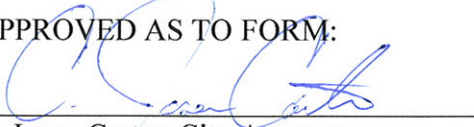
SPONSOR:


Alderman Maurice Taylor

ATTEST:


Diane Whitbey, City Clerk

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:16 A.M. P.M.

BY City Atty Carter

DATE 12-22-09
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED by 